

Message Text

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ACTION L-03

INFO OCT-01 ARA-16 ISO-00 COA-02 INT-08 COME-00 H-03 CG-00

DLOS-06 AGR-20 DOTE-00 JUSE-00 CIAE-00 INR-10 NSAE-00

RSC-01 ACDA-19 EB-11 FMC-04 IO-14 PM-07 NSC-10 SPC-03

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FM AMEMBASSY NASSAU

TO SECSTATE WASHDC 5030

C O N F I D E N T I A L NASSAU 1947

E. O. 11652: GDS

TAGS: PBOR EFIS BF

SUBJ: JURISDICTION OVER FISHERIES

REF: STATE 245037

1. EMBASSY AGREES WITH DEPT THAT GCOB WOULD PROBABLY USE ANY US CLAIM TO JUSTIFY SIMILAR POSITION ON SPINY LOBSTER ON THE BAHAMIAN CONTINENTAL SHELF. THE GCOB CONSIDERS THE LOBSTER ONE OF ITS FEW NATURAL RESOURCES, WHICH IT SHOULD NOT BE ASKED TO SHARE WITH ANYONE. AS THIS IS THE GCOB'S POSITION WITH THE 12-MILE ZONE, THERE IS NO REASON TO EXPECT IT WOULD BE DIFFERENT FOR THE CONTINENTAL SHELF. AS THE DEPT KNOWS, MUCH OF THE LOBSTER FISHING DONE IN THE WATERS AROUND THE BAHAMAS BY US-BASED FISHERMEN IS DONE ILLEGALLY WITHIN THE 12-MILE CFZ. GCOB LACK OF ENFORCEMENT CAPABILITIES WOULD PROBABLY MEAN THAT US-BASED FISHERMEN WOULD CONTINUE TO FISH THE CONTINENTAL SHELF WITH RELATIVE IMPUNITY, THOUGH THE GCOB MIGHT WELL EXTEND PATROLS SELECTIVELY OUTSIDE 12-MILE AND APPLY SAME SANCTIONS TO FISHERMEN TAKEN INTO CUSTODY THUS FURTHER AGGRAVATING THIS IRRITANT IN US-GCOB RELATIONS.

2. ANOTHER FACTOR TO CONSIDER IS THE GCOB'S DESIRE TO CLAIM
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THE ARCHIPELAGO. IT HAS BEEN VERY CAUTIOUS ON THIS CLAIM,

PRINCIPALLY BECAUSE OF US OPPOSITION. IT IS CONCEIVABLE THAT THE GCOB COULD INTERPRET ANY US CLAIM ON LOBSTERS AS A CREATURE OF THE SHELF AS A LIBERALIZATION OF US POLICY AND THUS PROVIDE AN ADDED INCENTIVE FOR THE GCOB TO PUSH ITS ARCHIPELAGIC CLAIM. ALSO TO EXTENT THERE MIGHT BE DIFFICULTIES IN DEFINING DEMARCATION OF US AND BAHAMIAN SHELVES, THERE COULD BE PROVIDED ADDITIONAL PRETEXT FOR GCOB TO UNILATERALLY DECLARE ARCHIPELAGO AS A WAY OF INTRODUCING "NECESSARY" CLARITY RE AREA OF ITS JURISDICTION.

3. THE GCOB DOES NOT RECOGNIZE THE US HAVE TRADITIONAL FISHING RIGHTS IN THESE WATERS. THUS ANY US ANNOUNCEMENT REGARDING TRADITIONAL DISTANT WATER INTERESTS WOULD HAVE NO EFFECT. THE PROPOSAL TO PERMIT FOREIGN FISHING, AFTER PAYMENT OF A DUTY, MAY BE HELPFUL IN TRYING TO OBTAIN SIMILAR RIGHTS FOR US FISHERMEN IN THE BAHAMAS, BUT EVEN THIS IS VERY DOUBTFUL. SPIERS

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